IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 2977 OF 2003

IN

SUIT NO. 636 OF 1995

SMT. KASTURABAI LAXMAN ...Plaintiffs.

INKAR

vs.

1) EIGHTY ROSES CHS LTD

AND

2) T.J. INKAR ...Defendants.

M.B. Behre, advocate

**for the plaintiffs.**

**None for the defendants**

**CORAM: S.U. KAMDAR, J.**

**DATE : 22ND FEBRUARY, 2006.**

**P.C. :**

1. The present notice of motion is taken out for setting aside the order dated 3.3.2000 passed by the Prothonotary and Senior Master dismissing the suit for default on the ground of non-service. However the defendants are served. The defendant no.2 has already filed the written statement. In any event the defendants are served with this motion. Affidavit of service dated 4.11.2003 is taken on record. There is no reply. In the light of the aforesaid, motion is made absolute in terms of prayer clause (a). Writ of summons is directed to be taken on record.

*********